APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,187	03/26/2004	Steven D. Cheng	250210-1090	2953

			EXAMINER
24504 7590 12/01/2005			PORTIS, SHANTELL L

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ART UNIT	PAPER NUMBER
2681	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/811,187	CHENG, STEVEN D.
	Examiner	Art Unit	
	Shantell Portis	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>3/26/2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-31</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-31</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>3/26/04</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All · b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1, 4-11, 13-18, 20-26, 28-31 are rejected under 35 U.S.C. 102(b) as

being anticipated by Timm et al. (Timm), U.S. Patent No. 5,687,215.

Regarding Claims 1, 17 and 18, Timm discloses an emergency call processing

system and method (vehicular emergency message system) for mobile users,

comprising: a receiver (response center), receiving emergency data calls from the

mobile users (cellular handset) (Col. 2, lines 55-58); and a queuing system, prioritizing

incoming emergency data calls (Col. 3, lines 3-7), and subsequently responding to each

of the mobile users to address the emergency according to the emergency data calls

(Col. 6, lines 1-47).

Regarding Claims 4 and 20, Timm discloses an emergency call processing

system and method according to claims 1 and 17, wherein each of the emergency data

calls carries caller phone number and a message reporting the emergency (Col. 4, lines

25-39; Col. 7, lines 59-63 and Col. 8, lines 7-16).

Regarding Claims 5 and 21, Timm discloses an emergency call processing

system and method according to claims 4 and 20, wherein the message is selectively

one of voice, image, text and combinations thereof (The message is displayed in the message center 27)(Col. 7, lines 50-53).

Regarding Claims 6 and 22, Timm discloses an emergency call processing system and method according to claims 4 and 20, wherein each emergency data call further carries location information or personal information for the caller (Col. 8, lines 11-16).

Regarding Claims 7 and 23, Timm discloses an emergency call processing system and method according to claims 1 and 17, wherein a confirmation message (acknowledgement tone) is sent to each mobile user upon receipt of a corresponding emergency data call (Col. 6, lines 2-17).

Regarding Claims 8 and 24, Timm discloses an emergency call processing system and method according to claims 7 and 23, wherein the confirmation message comprises assigned registration identification (data string)(Col. 6, lines 13-30).

Regarding Claim 9, Timm discloses an emergency call processing system according to claim 1, wherein mobile users submit emergency data call and replies to an emergency call center automatically (Timm mentions voice contact with the response center) using client software installed in user equipment (push buttons)(Col. 3, lines 1-16 and Col. 6, lines 31-33).

Regarding Claims 10 and 25, Timm discloses an emergency call processing system and method according to claims 9 and 24, wherein the user equipment changes to automatic hand-shaking mode after receiving a confirmation message

(acknowledgement tone) from the emergency call center (Col. 5, lines 6-18 and Col. 6, lines 2-5).

Regarding Claims 11 and 26, Timm discloses an emergency call processing system and method according to claims 10 and 25, wherein the emergency call center solicits relevant information (displayed information) from mobile users in an alert message to the user equipment (Col. 6, lines 22-30)(The response center solicits displayed information from the user during communication).

Regarding Claims 13 and 28, Timm discloses an emergency call processing system and method according to claims 11 and 26, wherein the user equipment returns relevant information (displayed information) to the emergency call center automatically upon receipt of the alert message (Col. 6, lines 22-30)(During communication with the response center, the user is able to respond with the displayed information).

Regarding Claims 14 and 29, Timm discloses an emergency call processing system and method according to claims 13 and 28, wherein the user equipment also returns registration identification (identification of the user), provided beforehand by the emergency call center, with the relevant information (Col. 6, lines 22-30).

Regarding Claims 15 and 30, Timm discloses an emergency call processing system and method according to claims 13 and 28, wherein the emergency call center utilizes an interleaving approach to periodically communicate with user equipment (Col. 5, lines 2-5; Col. 6, lines 31-42 and Col. 6, lines 58-63)(The system controller monitors the communication channel to make sure that the connection is not interrupted).

Regarding Claims 16 and 31, Timm discloses an emergency call processing

system and method according to claims 11 and 26, wherein relevant information

comprises location (position obtained from the GPS receiver), caller's physical

condition, current surrounding images, or combinations thereof (Col. 6, lines 22-30).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 2, 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Timm in view of Burkhart et al. (Burkhart), U.S. Publication No. 2005/0153688.

Regarding Claims 2, 3 and 19, Timm discloses an emergency call processing

system and method according to claims 1 and 18 as described above. Timm further

discloses the queuing system further comprising: a sorter (two push buttons that

identify either roadside or emergency assistance), categorizing emergency data calls

and prioritizing for each upon receipt from the first waiting buffer (the response center

prioritize the request from the user based on which button is pushed or category

selected); and prioritized waiting buffers, receiving and storing emergency data calls

from the sorter (for such system, it is inherent to include buffers for receiving and storing

data), wherein each prioritized waiting buffer is assigned to a different level of priority (it

is inherent that there is a different buffer for each of the levels of priority), and stores the

emergency data calls with a corresponding level of priority (Col. 3, lines 1-10).

However, Timm fails to disclose the queuing system further comprising: a first waiting buffer, storing incoming emergency data calls in a first-in-first-out (FIFO) manner; at least one processing unit, receiving and processing the emergency data calls from the prioritized waiting buffers according to their corresponding priority in a FIFO manner and wherein the processing unit is operated by either operator or automated system.

In a similar field of endeavor, Buckhart discloses a displaying help resources associated with prioritized help messages. Buckhart further discloses the queuing system further comprising: a first waiting buffer, storing incoming emergency data calls in a first-in-first-out (FIFO) manner; at least one processing unit, receiving and processing the emergency data calls from the prioritized waiting buffers according to their corresponding priority in a FIFO manner and wherein the processing unit is operated by either operator (the user engages the help button) or automated system [0095 and 0096].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide such a system to minimize the response time for critical services to help ensure that new emergency calls are fairly queued amongst the older emergency calls.

5.   Claims 12 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timm in view of Kennedy, U.S. Publication No. 2004/0266389.

Regarding Claims 12 and 27, Timm discloses an emergency call processing system and method according to claims 11 and 26 as described above.

However, Timm fails to disclose wherein the alert message is sent via short message system (SMS).

In a similar field of endeavor, Kennedy discloses a mobile phone amber alert notification system and method. Kennedy further discloses wherein the alert message (Amber Alert) is sent via short message system (SMS) [0014, 0015 and 0029].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to send short messages during emergencies where response time is sensitive.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brooks, U.S. Pub. No. 2002/0197977 discloses a control and messaging during emergency calls.

Baldwin, U.S. Pub. No. 2005/0003797 discloses a localized cellular awareness and tracking of emergencies.

Rollender, U.S. Pub. No. 2005/0202799 discloses a method of associating data with a call to a call center.

Erickson, U.S. Patent No. 5,457,735 discloses a method and apparatus for queuing radio telephone service requests.
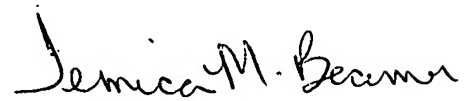
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shantell Portis whose telephone number is 571-272-0886. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SLP

TEMICA BEAMER
PRIMARY EXAMINER